

Notice of Allowability

Application No.

10/081,523

Applicant(s)

KELLEY, HUBERT C.

Examiner

Haythim J. Alaubaidi

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of October 03, 2005.
2. ☒ The allowed claim(s) is/are 45 and 48-51 as re-numbered to claims 1-5.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to the Amendment of October 03, 2005.
2. Claims 45 and 48-51 are presented for examination following the amendment of October 03, 2005.
3. The Examiner acknowledges the Applicant's cancellation of previously presented Claims 1-44 and 46-47.
4. Claims 45 and 48-51 are allowed over the prior art of record.

Allowable Subject Matter

1. Claims 45 and 48-51 are allowed over the prior art of record.
2. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

Regarding Independent Claims 45 and 51, Applicant's particular method for providing dedicated online-access and maintaining electronic documents. The novelty feature of the claims is the combination of the limitations wherein the electronic document is being associated in a database of a hosting entity (business entity) with an ID of a document provider entity (uploading party) based on certain agreements (specifications); and the limitations of wherein the specifications effect the access to the electronic document wherein the hosting entity charges a fixed fee paid by the uploading party and prohibiting the business entity from providing any other services to the uploading party in return for an agreement by the uploading party to receive advertisements from the business entity that generates net revenue for the business

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entity at least equal to the fees charged in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art, the prior art fails to anticipate or render Applicant's limitations above obvious. The support for these limitations can be found in the Specification of the current application Pages 6-8 and 18-21 with an example shown in Figures 4-6.

Claims 48-50, being further limiting to Independent Claim 45, definite and enabled by the Specification are also allowed.

3. The closest related prior art and an explanation of their deficiencies with regard to the novel feature of claim 14 as specified above are as follows:

a. **The closest US Patent** (Crosskey et al. 6,035,281) of record, discloses a system and method for billing one or more participating parties for client access to the Internet, please see Crosskey, Abstract. The reference also teach a usage-based system and method for an OLSP (On Line Service Provider) or other party to share Web access billings among multiple participating parties involved in a Web network computer system such as advertisers and users. In addition Web pages can be used to display billing responsibility of the users for accessing the Web. Users, as a result, have more power to decide which content and/or commercial advertisements they want to access, please see Crosskey, Col 2, Lines 54-67). Crosskey fails to teach or fairly suggest associating

electronic documents uploaded by an uploading party with an ID of a hosting entity in a repository based on certain specifications agreed upon by both parties. The reference also fails to disclose prohibiting the business entity from providing any other services to the uploading party in return for an agreement by the uploading party to receive advertisements from the business entity that generates net revenue for the business entity at least equal to the fees charged. Hence, Crosskey fails to teach the novel features of claim's 45 and 51 as mentioned above.

b. **The closest Non-Patent Literature** (Malone et al. "Intelligent Information-Sharing Systems" discloses a software for disseminating information so that it reaches those people to whom it is valuable without interfering with those to whom it is not, please Page 390, left column; also to reduce the flow of "junk mail," and to dramatically increase the amount of useful information that can be exchanged electronically without leading to information overload through certain communication technology, please see Page 390, right column; Malone also discloses the effects of computer based electronic advertisements, please see page 398, last paragraph on left through first paragraph on right column. Malone fails to teach or fairly suggest associating electronic documents uploaded by an uploading party with an ID of a hosting entity in a repository based on certain specifications agreed upon by both parties. The Non-Patent literature of Malone also fails to disclose prohibiting the business entity from providing any other

services to the uploading party in return for an agreement by the uploading party to receive advertisements from the business entity that generates net revenue for the business entity at least equal to the fees charged. Hence, Malone fails to teach the novel features of claim's 45 and 51 as mentioned above.

c. **The closest Foreign Reference** (de Fabrega, Publication No. 2001/0054019). De Fabrega discloses an e-commerce development intranet portal where pre-paid accounts for access to paid services can be purchased, please see Abstract. The reference discloses a public-access computer terminal having a credit card reader, a device that permits a user to specify alphanumeric and display-screen coordinate data, a floppy disc or other removable storage media drive unit, a printer unit, and a video camera. The computer is programmed to permit a user to selectably operate the units after the user enters a valid log-on ID, please see de Fabrega Summary of the invention. de Fabrega's reference discloses product and service advertising banners and other inclusion reflecting material on the web sites of the members are included on the display screen from time to time while the respective member are connected to the network, please see Page 4, paragraph [0047] through page 5. de Fabrega fails to disclose prohibiting the business entity from providing any other services to the uploading party in return for an agreement by the uploading party to receive advertisements from the business entity that generates net revenue for

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the business entity at least equal to the fees charged. Hence, de Fabrega fails to teach the novel features of claim's 45 and 51 as mentioned above.

4. The limitations of claims 45 and 51 was not disclosed by, would not have been obvious over, nor would have been fairly suggested by any of the cited references encountered by the Examiners search.

Points of Contact

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-446.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at our central fax number (571) 273-8300.

Hand-delivered responses should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314



Patent Examiner
Technology Center 2100 / Art Unit 2168